

RESOLUTION NO. 75221

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENT TO DISESTABLISH THE WILLOW GLEN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989; AND SETTING A DATE AND TIME FOR THE PUBLIC HEARING

WHEREAS, the Council of the City of San Jose established the Willow Glen Business Improvement District ("BID") pursuant to the California Parking and Business Improvement Area Law (California Streets and Highway Code Section 36500 et seq.) by Ordinance No. 21519, dated December 20, 1983, as revised by Ordinance No. 22589, dated August 11, 1987; and

WHEREAS, in 1984, the Council appointed the Willow Glen Business and Professional Association ("Association") as the Advisory Board for the BID; and

WHEREAS, in September 2009, the Association notified the City of its desire to terminate the BID since the provision of services provided and funded through the BID are no longer desired by the Association; and

WHEREAS, pursuant to the Parking and Business Improvement Area Law of 1989, a public hearing must be held on the proposed disestablishment of the BID.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Council hereby declares its intention to disestablish the Willow Glen BID, located in the Willow Glen neighborhood of San Jose, California, since the provision of services provided and funded through the BID are no longer desired by the Association.

2. The BID would be disestablished upon the effective date of the ordinance declaring such disestablishment and, if said ordinance is adopted by the Council, the City shall not collect BID assessments that would otherwise become due and payable on or after January 1, 2010.
3. Upon disestablishment of the BID, all unexpended funds provided to the Association by City and any assets acquired with the revenues of the assessments levied within the BID will be returned to the City. Any remaining revenues derived from the levy of assessments will be refunded to the owners of the businesses, applying the same method and basis that was used to calculate the levied assessments.
4. NOTICE IS HEREBY GIVEN that January 12, 2010, at the hour of 1:30 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California, is fixed as the time and place for a public hearing on the disestablishment of the Willow Glen BID.
5. The City Clerk is hereby directed to give notice of the above-mentioned public hearing in accordance with Section 36523 of the California Streets and Highway Code, by publication to the general public. City staff will provide notice by mail to each business owner in the BID.

ADOPTED this 15th day of December, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

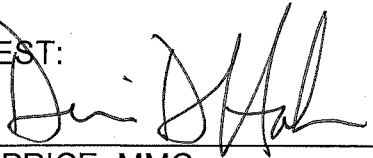
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk